S.B. CIVIL WRIT PETITION NO.2091/2005

Smt. Teja Devi and others vs. State of Raj. and others.

Date : 20.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. JL Purohit, for the petitioners.

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Heard learned counsel for the petitioners.

It appears from the facts of the case that a suit for permanent injunction was filed by the Deity against the petitioners which was decreed by the trial court after contest. The petitioners/defendants preferred an appeal against the said judgment and decree of the trial court which was dismissed by the first appellate court. Against the appellate court's judgment, the petitioners preferred second appeal before the Board of Revenue which too was dismissed. Thereafter, the petitioners filed a review petition and that too was dismissed. The petitioners submitted an application under Section 151 CPC stating therein that the Board of Revenue has committed illegality in dismissing the review petition on the ground that one of the respondents has not been served after relying upon a wrong provision of law rather relying upon the provision of law which has already been deleted.

Since the petitioners have already had three judgments on merits against them from the trial court, first

appellate court and second appellate court and thereafter, the petitioners want to raise an objection about the order of Board of Revenue on the ground that despite his failing to serve one of the respondents, still he should be given an opportunity to pursue the review petition.

In view of the above facts, I do not find any reason to interfere in the impugned order.

Accordingly, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya